

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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John Hamlett #08A0598

(IN THE SPACE ABOVE ENTER THE FULL NAME(S) OF THE PLAINTIFF(S).)

Complaint

v.

under the

Civil Rights Act, 42 U.S.C 1983

Defendant No. 1 Taj K. Everly, (c.o.)

Jury Trial: Yes ☒ No ☐

Defendant No. 2 Christopher J. Dillon,
(c.o.)

(check one)

Defendant No. 3 GARY J. Perrotta, Jr,
(c.o.)

Defendant No. 4 Antonio M. Alban,
(c.o.)

Defendant No. 5 Thomas A. Germano Jr,
(c.o.)

(In the space above, enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write, "see attached," in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part 1. No addresses should be included here.)

DEF#6. Richard T. Flanagan,
(C.O.)

DEF#7. Michel Blot, Jr.,
(Sgt.)

DEF#8. Michael D. Funk,
(Sgt.)

DEF#9. Donald Venettozzi,
(Dir. Special housing)

DEF#10. Marilyn Kopp,
(D.S.P. / Hearing Officer)

DEF#11. D. Heitz,
(RN)

DEF#12. Edwin Uzu,
(Clinic Phy. 2)

DEF#13. Mr. Johannmann,
(Sgt.)

Parties in this complaint:

List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary:

Plaintiff: Name John Hamlett
 ID # 08A0598
 Current Institution Green Haven Corr. Fac.
 Address 594 Route 216,
Stormville, N.Y. 12582

List all defendants' names, positions, places of employment, and the address where each defendant may be served/ Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Taj K. Everly Shield # Unknown
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, N.Y. 12582

Defendant No. 2 Name Christopher J. Dillon Shield # Unknown
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, N.Y. 12582

Defendant No. 3 Name GARY J. Perrotta Shield # Unknown
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, N.Y. 12582

DEF #4. Name: Antonio M. Alban-Shield # unknown
Where Currently Employed: Green Haven Corr. fac
Address: 594 Route 216
Stormville, N.Y. 12582

DEF #5. Name: Thomas A. Germano, Jr - Shield # unknown
Where Currently Employed: Green Haven Corr. fac
Address: 594 Route 216
Stormville, N.Y. 12582

DEF #6. Name: Richard T. Flanagan - Shield # unknown
Where Currently Employed: Green Haven Corr. fac.
Address: 594 Route 216
Stormville, N.Y. 12582

DEF #7. Name: Michel Blot, Jr. - Shield # unknown
Where Currently Employed: Green Haven Corr. fac
Address: 594 Route 216
Stormville, N.Y. 12582

DEF #8. Name: Michael D. Funk - Shield # unknown
Where Currently Employed: Green Haven Corr. fac.
Address: 594 Route 216
Stormville, N.Y. 12582

DEF#9. Name: Donald Venetozzi - Shield# unknown
Where Currently Employed: D.O.C.C.S.
Address: 1220 Washington Ave Bldg. #2
Albany, N.Y. 12226

DEF#10. Name: Marilyn Kopp - Shield# unknown
Where Currently Employed: Green Haven Corr. Fac.
Address: 594 Route 216
Stormville, N.Y. 12582

DEF#11. Name: D. Heitz - Shield# unknown
Where Currently Employed: Green Haven Corr. Fac.
Address: 594 Route 216
Stormville, N.Y. 12582

DEF#12. Name: Edwin Uzu - Shield# unknown
Where Currently Employed: Green Haven Corr. Fac.
Address: 594 Route 216
Stormville, N.Y. 12582

Defendant No. ~~13~~ Name Mr. Johannmann Shield # UnknownWhere Currently Employed Green Haven Corr. Fac.Address 594 Route 216Stormville, N.Y. 12582Defendant No. ~~14~~ Name N/A Shield # _____

Where Currently Employed _____

Address _____

Statement of claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates, and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

In what institution did the events giving rise to your claim(s) occur? Green Haven
Correctional Facility.

Where in the institution did the events giving rise to your claim(s) occur? While housed
in H-Block and in the Facility's Special housing Unit.

What date and approximate time did the events giving rise to your claim(s) occur? August
7, 2018, Approx 7:45pm; Aug. 14 and 15, Approx 5:00pm-7:30pm; Aug 20, Approx.
~~5:00pm~~ 5:00pm; Aug. 21, 2018, Approx. 7:45pm; Sept. 7, 2018, Approx.
8:00am-4:00pm; October 5, 2018; and November, 13 2018; and
April, 11 2019

Facts: 1) On August 7, 2018, I put down (requested) to be put down for, "chow," "Yard," And "Commissary," with Correction Officer Danielle Germano.

2) Ms. D. Germano, refused to put me down for both commissary and yard, stating that I would have to choose, which wasn't and isn't the rules.

3) When it was time to let me out for recreation, Officer Taj K. Everly (DEF#1), refused to let me out, stating I complain too much.

4) I filed 3 grievances with (I.G.R.C.) Inmate Grievance Resolution Committee because of said Denial.

5) On August 14, 2018, I was called to the Sergeants Office in the F and G Area to answer about the grievances.

6) Sergeant Michel Blot, Jr., ^(Def #7) questioned me and was informed of the entire situation. (Please note: Sgt. M. Blot is said to be related to DEF #1)

7) On the same day I was let out to recreation and pulled over by DEF #1, Taj K. Everly, until everyone was let out to the yard then released to go out.

8) This tactic was to deny me to get a phone in the yard because there is only a certain amount of groups that is called (5) because of time.

9) When I returned from the yard, I noticed items missing from my cell, which other inmates saw DEF#1, Taj K. Everly with.

10) August 15, 2018, after coming back from evening meal, I noticed my cell broom missing and items from my locker knocked down. When I inquired, I was told by various inmates that DEF#1, Officer Everly was on the gallery and some saw him with my broom.

11) When the yard was let out, my cell didn't open until after everyone else was downstairs from my gallery.

12) When in the yard, I informed Sergeant Johannmann, (DEF#13) about the missing items and the harassment from C.O. Everly, (DEF#1) and he stated, "What you want me to do?!"

13) Sergeant Blot, (DEF#7) who questioned me about the grievances came through the yard and I informed him of what was taking place; nothing happened, after he went into the block and did nothing.

14) When I returned from the yard, C.O. Everly was emboldened more so. After everyone else cell was opened to lock in, he refused to open mine.

15) He stated, "When I get ready," when I asked for my cell to be opened. He came on the gallery to "secure" the other inmates and he said, "I control you." "I own you." "You belong to me." Finally, he let me in my cell and noticed some other item missing from my cell.

16) I wrote to then, First Deputy Superintendent, Melecio, requesting to speak with him about a security matter of importance, on Aug. 15, 2018.

17) I further wrote to Mr. Oliver, Deputy Chief Investigator for D.S.I, about the matter on August 15, 2018. I notified the Superintendent on Aug 20.

18) On August 20, 2018, coming from evening meal, I noticed someone had been in my cell. For I had put a thread across my door at the bottom of my cell (white) and it had be popped.

19) I informed the escorting officer Ms. Mason and requested that she have the area Sergeant called because I was told that (Def#1) C.O. Everly was going to set me up. I waited off the gallery and didn't go in my cell.

20) C.O. Everly (Def#1) came back upstairs with C.O. Mason saying that the Sergeant was being called once I go into my cell.

21) Reluctantly, I complied and noticed that my razor was not in my locker. No Sergeant was ever called, and I was told by inmates that C.O. Everly had the razor.

22) When yard was let out, I was pulled over again by C.O. Everly (Def #1) until everyone else was outside.

When finally let out, I informed Sergeant Funk (Def #8)

that C.O. Everly took my razor from my cell, (note: If a

inmate doesn't have his razor every Saturday, he will be keep-locked,

or sent to SHU) and he has been going into my cell taking

my property prior. I also informed the Sergeant that I

was told by inmates, that C.O. Everly was planning on setting

me up with a weapon. I was told, he'll take care of it.

23) On August 21, 2018, I was let out last for recreation again. C.O. Everly pulled me over again, and told me to place my hands on the wall after I take everything out of my pockets. I complied.

24) C.O. Dillon (Def#2), C.O. Perrotta, Jr. (Def#3), C.O. Alban (Def#4), WERE present. C.O. T. Germano, was coming down the stairs.

25) While my hands were on the wall, feet spread, preparing to get searched, C.O. Everly (Def#1) smashed my head/face against the concrete wall under the stairs in H-Block. I was knocked unconscious.

26) According to witnesses of the event, who were looking through the yard door window and the 4 company gallery window from the yard, I was brutally beaten, maced, kicked, punched, Gang assaulted by, C.O. Everly (Def#1), C.O. Dillon (Def#2), C.O. Perrotta JR. (Def#3), C.O. Alban (Def#4), C.O. T. Germano (Def#5), as well as hit with sticks by the same plus C.O. Flanagan (Def#6), when he responded to the alarm, all while I was not conscious, and in and out of consciousness.

27) I was dragged down the hall while cuffed. Taken to not the hospital but the S.H.U. Area, by none other than Sergeant Blot (Def #1) and Flanagan (C.O. - Def #6).

28) I was seen by D. Heitz, RN, who failed to provide me Adequate medical care when she saw that I was suffering from a concussion, dazed, and failing to note all my injuries. Instead I was placed in a cell not a hospital, while in pain and confused.

29) Doctor Uzu also failed to note and treat my injuries, including dental cuts/pain.

29) I was given a tier 3 disciplinary hearing from a false report by C.O. Everly, endorsed by C.O. Dillon, and Alban of, Assault on Staff (100.11), threats (102.10), Direct Order (106.10), Harassment (107.11), creating a disturbance (104.13), and Frisk Procedure (115.10), date 8-21-18.

30) Defendant Kopp, was the hearing Officer, and found me guilty of all charges while violating my rights to a fair, impartial hearing, Denying me witnesses that had relevant testimony to testify in my behalf.

31) Denying my right to have witnesses

who did testify, to testify to claims of my defense of retaliation which they saw first hand.

31) Failing to Ascertain the reason for one witness refusal after it was told to her by another witness that officers were using intimidation tactics for people who wanted to testify.

32) Being denied my right to assistance.

33) Being denied my right to documentary evidence and to put relevant document into the record to substantiate my retaliation claim.

34) By the hearing Officer questioning witnesses

(D.S.I investigator), off the record and out of my presence.

35) By the hearing officer playing the role of investigator and hearing officer, questioning witnesses off the record and out of my presence.

36) Defendant Venetozzi, violated my rights when he affirmed Defendants Kopp guilty verdict. He further, violated my right to reverse and expunge said disciplinary action even after C.O. Taj. K. Everly assaulted someone else after me and with the knowledge of a prior assault by the same officer a

month before.

37) Defendants Everly, Dillon, Perotta, Alban, Germano, and Flanagan Gang Assaulted me with no justification in Retaliation for filing grievances against Defendant Everly and Defendant Germano's sister Danielle Germano.

38) Sergeants' Blot, Funk, and Johananman, Failed to Supervise and protect me from harm when they were informed of the progressive violations of Defendant Everly's actions and rumor of threat to my well being, stealing my property.

Said Assault was foreseeable And could/should

have been prevented.

39) Doctor Uzu and Nurse Heitz

Failed to give me normal medical care by failing to document all my injuries and failure to send me to the hospital and/or clinic when I was suffering from a concussion. As well as to treat my pain of cuts in my mouth by denying me Emergency Dental care, as well as other pains.

40) Defendants Venetozzi and Kopp

violated my rights by finding me guilty of, and affirming said guilty finding from a false

report that was written in retaliation,
Failing to provide assistance, present documents,
witnesses to testify to relevant questions,
not ascertaining why a witness "refused" to
testify with no witness signature or reason
given. By talking off record to witnesses.
By playing the role of investigator and
hearing officer. By failing to provide me
with documents request that's relevant
to my defense and prove my innocence.

41) Defendant Everly, Dillon, Alban,
violated my rights by writing a false report

against me in retaliation for filing a grievance against C.O. Everly and D. Germano, to which I was given 45 DAYS SHU, 45 DAY loss of Phone, 45 DAYS loss of package, and 45 DAYS loss of commissary. I was also told I had to do A.R.T. program over again.

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I suffered from A Concussion, Memory Loss, and Anxiety.

The only treatment I received was to be put under cold water to wash the Mace from me. Medication for my Jaw/Face, and later Dental.

The Prison Litigation Reform Act of 1995, 42 U.S.C. 1997e(a), requires that, “no action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” Administrative remedies are also known as grievance procedures.

Yes ☒ No ☐

If YES, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s). Green Haven Corr. fac.

If NO, why not? N/A

Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I filed grievances on the matters and appealed and

received decisions from C.O.R.C. in Albany. I also appealed the
False Misbehavior report and was denied as well as filed for
reconsideration and was again denied relief.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

Relief:

State what you want the court to do for you. 1) Damages in the amount of One
hundred thousand Dollars for Defendants Each.

2) Expunge said charges from my records.

3) Arrest and Charge all officers
involved in the Gang Assault of my person.

4) Restore me to all privileges I had
prior to said False report.

5) Put me down as completely A.R.T.
like prior to this and back on the earned housing list (in front).

Previous Lawsuits :

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? Yes ___ No ✓

If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.

Parties to this previous lawsuit:

Plaintiff N/A

Defendants N/A

Court (if federal court, name the district; if state court, name the county) N/A

Docket or Index number: N/A

Name of Judge assigned to your case: N/A

Approximate date of filing lawsuit: N/A

Is the case still pending? Yes ☐ No ☒ N/A

If NO, give the approximate date of disposition: N/A

What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☐ No ☒

If your answer to C is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

Parties to this previous lawsuit:

Plaintiff N/A

Defendants N/A

Court (if federal court, name the district; if state court, name the county) N/A

Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure? Yes _____ No _____ Do Not Know N/A

Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claim(s)? Yes _____ No _____ Do Not Know N/A

If Yes, which claim(s)? N/A

Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose not cover some of your claim(s)? Yes _____ No _____ Do Not Know N/A

If Yes, Which claim(s)? N/A

Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose? Yes _____ No N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility? Yes _____ No N/A

If you did file a grievance about the events described in this complaint, where did you file the grievance? N/A

Which claim(s) in this complaint did you grieve? N/A

What was the result, if any? N/A

What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. N/A

If you did file a grievance, did you inform any officials of your claim(s)? Yes _____ No N/A

If YES, whom did you inform and when did you inform them? N/A

Signature of Plaintiff:

John Hamlett #08A0598
Green Haven Corr. Fac.
594 Route 216
Stormville, N.Y. 12582

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